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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,618	10/24/2003	Bruce Williams	061270-0877	7223

58898 7590 12/07/2006

LEMPIA IP GROUP, LLC  
223 WEST JACKSON BLVD.  
SUITE 620  
CHICAGO, IL 60606

EXAMINER
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GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,618

Applicant(s)

WILLIAMS ET AL.

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 59,63-69,71,72 and 75-86 is/are pending in the application.
- 4a) Of the above claim(s) 59,63,65 and 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 64,66-69,71 and 75-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claim 59 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the applicant originally elected the object holder being slidably attached to the base. Claim 59, states "objected holder pivotally attached".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 59 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 64,66-67,69, 71 and 80-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Kain 6,550,862). In regards to claim 64, a laterally extending base (16) having an outer laterally boundary; and an object holder (18) including and end portion having a perimeter that defines at least a portion of a vertically elongated a cavity (20,

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the open space of the 18) for receiving and holding an object; wherein the object holder is attached to the base such that the object holder is moveable in and out of the base between an extended (figures 2 and 5-7), in use position and a fully retracted (figure 1) storage position; when the object holder is in the fully retracted, storage position, the object holder can be retracted no further into the base, and only a portion of the object holder is within the base (see figure 1), a first part of the perimeter is (located on the back side of 18, see figure 1) is received within the base and is inaccessible as a gripping surface and a second part of the perimeter extends laterally beyond the outer lateral boundary of the base to be accessible as a gripping surface; the child seat is configured for placement on a seat of the vehicle and the child seat has a belt patch configured to receive and locate relative to the child lap belt of the restraint system, see figures 7-8. In regards to claim 66, wherein the object holder is slidably attached to the base, see figures 2-7. In regards to claim 67, the base further comprises a seating surface and the object holder includes an extension (located behind 18, see figure 3) slidably connected to the base and positioned under the seating surface. In regards to claim 69, further comprising a second object holder (92) attached to the base. In regards to claim 71, wherein the cavity is at a distal end of the extension. In regards to claims 80-81, when the object holder is in the fully retracted storage position, the base surrounds a substantial entirety of the received part of the perimeter.

U.S. Patent

Apr. 22, 2003

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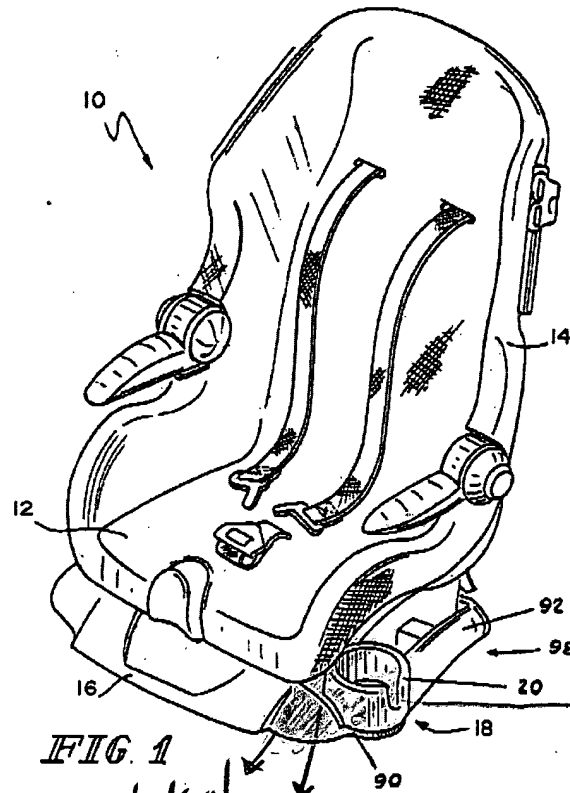
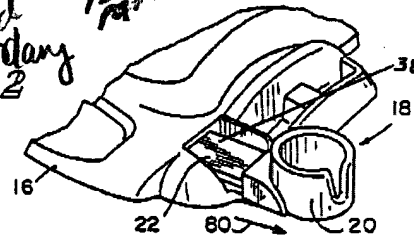


FIG. 1

lateral  
lateral  
boundary

FIG. 2



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 68, 75-77, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kain in view of Kain (6,997,509). Kain shows the use of all the teachings of the claimed invention but fails to show the use of the extension includes a slot, a base includes a post, a second object holder attached to the opposite side of the front portion of the base and a portion of the cavity is located under the seating surface. Kain (509) teaches the use of extension includes a slot (56), a base includes a post (50), a second object holder (44) attached to the opposite side of the front portion of the base and a portion of the cavity is located under the seating surface (figure 2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the base with a second object holder as taught by Kain, in order for the occupant to hold a book, bottle, etc.

***Response to Arguments***

7. Applicant's arguments with respect to claims 64,60-69, 71 and 75-86 have been considered but are moot in view of the new ground(s) of rejection.

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8. In response to applicant's argument that Kain (862) fails to teach a "*second part of the perimeter extends laterally beyond the outer boundary of the base*", the applicant attention is drawn to the above rejection. The examiner is of the opinion that Kain clearly show the second part of the perimeter extends laterally beyond the outer boundary of the base (emphasis added) as shown on figure 1.

9. In response to applicant's argument that Kain (862) fails to teach an "*object holder disposed laterally outward from the base when fully retracted*", the applicant attention is drawn to the above rejection. The examiner is of the opinion that Kain clearly shows the object holder disposed laterally outward from the base when fully retracted as shown on figure 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 8:00a.m. -6:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Garrett', with a stylized flourish at the end.

Erika Garrett  
Patent Examiner  
Art Unit 3636  
December 6, 2006